

MINUTES OF THE OAK RIDGE CITY COUNCIL MEETING

August 8, 2011

The regular meeting of the City Council of the City of Oak Ridge, Tennessee, convened at 7:00 p.m. on August 8, 2011 in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

INVOCATION

The Invocation was given by Reverend Howard Box, Retired Minister from Unitarian Universalist Church.

PLEDGE OF ALLEGIANCE

David McCoy, Chairman of the Elder Citizens Advisory Board, led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Upon roll call, the following members of Council were present: Mayor Thomas Beehan; Anne Garcia Garland; L. Charles Hensley; Charles J. Hope, Jr.; D. Jane Miller; and Ellen D. Smith. David N. Mosby was absent.

Also present were Mark S. Watson, City Manager; Kenneth R. Krushenski, City Attorney; Steven W. Jenkins, Deputy City Manager; and Diana R. Stanley, Acting City Clerk.

APPEARANCE OF CITIZENS

(NONE)

PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation paying tribute to Dr. F.G. (Skip) Gosling, U.S. Department of Energy (DOE) Chief Historian.

Councilwoman Smith moved, seconded by Councilman Hensley, that the proclamation be adopted. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye." The proclamation was presented to Mr. Gary Hartman, DOE employee and co-worker of Dr. Gosling, who accepted the document in Dr. Gosling's absence.

A presentation of three public recognition plaques, one to the City of Oak Ridge and the other two to City employees, by Mr. Jim Rackstraw, Deputy General Manager, Wackenhut Services, Inc., Oak Ridge, and field committee representative of the Employer Support of the Guard and Reserve (ESGR) Program.

The recipients of the plaque included City Manager Mark Watson on behalf of the City of Oak Ridge, Jack Suggs, Electric Director, and Margaret Elgin, Electric Division Manager as nominated by Ardo Ba, Electric Project Manager, who is an active member of the reserves.

SPECIAL REPORTS

Councilmember Miller reported on the City Attorney Evaluation Procedure as Chair of the City Attorney Evaluation Committee.

Councilmember Smith moved, seconded by Councilmember Hensley, that the Committee's report be adopted. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

CONSENT AGENDA

At the request of Councilmember Smith, the following item was removed from the Consent Agenda:

Adoption of a resolution awarding a contract (COR 11-12) to First Place Finish, Oak Ridge, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Country Club Estates storm drainage improvement project on Graceland Road in the estimated amount of \$52,770.00

Upon motion of Councilmember Hensley, seconded by Councilmember Miller and carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye," the remainder of the Consent Agenda was approved as presented, thereby:

- Approving of the July 7, 2011 Special City Council Meeting minutes.
- Approving of the July 11, 2011 City Council Meeting minutes.
- Approving of the July 25, 2011 Special City Council Meeting minutes.
- Adopting Resolution 8-74-11 amending Retailer's Permit No. 149, Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike, by removing Suzanne E. Davis, Lloyd C. Davis, and Donald L. Kittrell as individuals having an interest in the business, and adding Catherin D. Pattison so that said permit would be in the names of Patricia B. Gettys and Catherin D. Pattison, and authorizing the Mayor to sign said permit on behalf of the City of Oak Ridge.
- Adopting Resolution 8-75-11 authorizing the Mayor to sign a certificate of compliance for Catherin D. Pattison for the purposes of engaging in the retail sale of alcoholic beverages in the City of Oak Ridge at Turnpike Wine & Spirits, Inc., 331 Oak Ridge Turnpike.
- Adopting Resolution 8-76-11 authorizing the City to submit a grant application to the Tennessee Municipal League Risk Management and accept said grant if approved.
- Adopting Resolution 8-78-11 to accept a grant from the U.S. Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership Grant Program in the amount of \$20,758.50, and to authorize the purchase of protective ballistic vests from Protective Apparel Corporation of America (PACA), Jacksboro, Tennessee, in the estimated amount of \$43,177.00.
- Adopting Resolution 8-79-11 to extend the terms of subrecipient agreements CDBG FY10-03, CDBG FY10-04, CDBG FY11-01, CDBG FY11-02 and CDBG-R FY09-11, between the City and Aid to Distressed Families of Appalachian Counties Incorporated (ADFAC) through December 31, 2011.

Resolution Removed from Consent Agenda

Resolution No. 8-77-11

A resolution awarding a contract (COR 11-12) to First Place Finish, Oak Ridge, for the furnishing of all labor, tools, materials, equipment and supplies necessary for the Country Club Estates storm drainage improvement project on Graceland Road in the estimated amount of \$52,770.00

Councilmember Smith moved, seconded by Councilmember Hensley, that the resolution be adopted. Steve Byrd, City Engineer, explained the replacement process as well as the funding for the storm drainage project. The motion carried by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

RESOLUTIONS

Resolution No. 8-80-11

A resolution in support of pending federal legislation (S. 1216 and H.R. 2257) to waive the requirement that existing traffic signs meet minimum retroreflectivity standards on or before the compliance date established by the Federal Highway Administration.

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted. After brief deliberation the resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

Resolution No. 8-81-11

A resolution authorizing an agreement with Studio Four Design, Inc., Knoxville, Tennessee, for architectural and engineering services for concept, programming, and a feasibility study for the construction of a new Senior Enrichment Center, in the estimated amount of \$15,000.00.

Councilmember Hensley moved, seconded by Councilmember Smith, that the resolution be adopted. City Manager Watson briefly explained the purpose of the feasibility study and the contract, and noted that the study would include an analysis of the existing senior center.

Kerry Trammel, Elder Citizens Advisory Board, 1125 W. Outer Drive, responded to Councilmember Garcia Garland's inquiry about the experience of Studio Four Design with similar facilities. Mr. Trammel commented that Studio Four Design has been involved in three to four other designs of senior centers, including working on an addition to the O'Connor Center.

In response to Councilmember Smith's inquiry about a schedule for the project, Josh Collins, Recreation and Park Department Director, reviewed a time frame and anticipated phases of the senior center concept.

Trina Baughn, 119 Newport Drive, questioned spending more funds on an additional feasibility study for the senior center. She expressed an interest in learning what percentage of Oak Ridge residents currently use the facility or would potentially use the future senior center, and suggested the Civic Center might be an appropriate facility for use by senior citizens.

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

Resolution No. 8-82-11

A resolution authorizing the purchase of two (2) 2012 Ford Explorers from Ford of Murfreesboro for use by the Police Department in the estimated amount of \$46,998.00.

Councilmember Miller moved, seconded by Councilmember Hensley, that the resolution be adopted. At the request of Mayor Beehan, Mr. Watson explained that the dealership in Murfreesboro is the holder of the state-wide contract and the volume of vehicles they deal in potentially leads to lower bids than local dealerships. Councilmember Smith inquired about the consideration of fuel-efficient vehicles over SUVs that would be consistent with the Climate Action Plan. Both the City Manager and Police Chief Jim Akagi provided similar explanations for consideration of the SUVs, including improved gas mileage, adequate

storage, the ability of City staff to service the vehicles, consistency with state emergency operation requirements, and the capability to allow the police force to perform traffic stops.

Councilmember Hope recommended that staff provide maintenance reports regarding future vehicle replacement. City Manager Watson discussed presenting a priority report on vehicles during the budget process.

The resolution was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye."

Resolution No. 8-83-11

A resolution authorizing the issuance of not to exceed ten million dollars (\$10,000,000) in aggregate principal amount of general obligation bonds, Series 2011 of the City of Oak Ridge, Tennessee; making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds.

Councilmember Hensley moved, seconded by Councilmember Miller, that the resolution be adopted per staff's recommendation.

Mayor Beehan announced that he wanted to allow full discussion of this resolution before any proposed amendments were made. City Manager Watson began by reporting on the water/wastewater fund and the need to replenish the fund by way of bonds. Mr. Watson indicated that staff favored the 20-year amortization proposal in response to Mayor Beehan's inquiry about staff's recommendation.

The issue was discussed at length and councilmembers presented the following opinions:

Councilmember Smith expressed concern about the structure of the debt models that defer the payments on principal and indicated that she favored a relatively level payment arrangement.

Councilmember Hensley presented his interest in balancing rate increases with the long-term debt. He was supportive of the time value of money concept in regards to the issuance and payment structure of this bond.

Councilmember Garcia Garland expressed her concerns that the diagrams only showed information on interim borrowing and not all borrowing situations that may result due to other water work related issues. She communicated that she wanted the debt to be paid as efficiently, effectively, and as quickly as possible.

Councilmember Hope expressed an interest in evaluating other scenarios for the front load of the debt and working with our lobbyists regarding the EPA situation.

Councilmember Miller commented about the possibility of the EPA mandates being counteracted in the future and how the presented plan favored a conservative approach toward debt.

Mayor Beehan expressed concern about the City's time frame and lack of assistance regarding the EPA mandates. He further indicated that he wanted to be cognizant of rate payers and support staff's recommendation.

Trina Baughn, 119 Newport Drive, commented briefly about evaluating other choices for debt and spoke about forgoing the library expansion and the senior center study labeling these items as "wants" and not "needs." Mayor Beehan clarified that the library expansion study was paid by a grant.

T.J. Garland, 120 Outer Drive, asked a few questions regarding various water/wastewater situations with City Manager Mark Watson and Deputy City Manager Steve Jenkins providing answers. Mayor Beehan commented that more information will be presented to council in the future and the bond issue should be the main focus of discussion.

Councilmember Smith moved, seconded by Councilmember Garcia Garland, to amend the resolution by asking staff to attempt to structure the bond issuance to provide a relatively level pay off scheme. After an extensive deliberation by council and city staff, Councilmember Smith clarified that she was making an amendment to give direction to staff, not to change the language of the resolution; therefore, Councilmember Smith withdrew her motion, which withdrawal was agreed to by Councilmember Garcia Garland as the second on the motion. There was no objection by council for this motion to be withdrawn.
(Rules and Procedures of Oak Ridge City Council, Section IV, Item H, #2)

The resolution, as originally presented to Council, was approved by unanimous electronic vote with Councilmembers Garcia Garland, Hensley, Hope, Miller, Smith, and Mayor Beehan voting "Aye." Councilmember Smith moved, seconded by Councilmember Garcia Garland, to direct staff to seek a relatively level pay off structure, and the motion failed by electronic vote with Councilmembers Garcia Garland, Hope, and Smith voting "Aye," and Councilmembers Hensley and Miller and Mayor Beehan voting "Nay."

PUBLIC HEARING AND FIRST READING OF ORDINANCES

(NONE)

FINAL ADOPTION OF ORDINANCES

Ordinance No. 12-11

AN ORDINANCE TO AMEND TITLE 2, TITLED "BOARDS AND COMMISSIONS, ETC.," CHAPTER 1, TITLED "MISCELLANEOUS," SECTION 2-101, TITLED "MEMBERSHIP TO BOARDS AND COMMISSIONS; RESIDENCY REQUIRED," OF THE CODE OF ORDINANCES TO WAIVE THE RESIDENCY REQUIREMENT FOR THREE (3) DESIGNATED LOCAL HOTEL/MOTEL ESTABLISHMENTS' MEMBERSHIP POSITIONS ON THE OAK RIDGE CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS.

Councilmember Miller moved, seconded by Councilmember Hensley, that the ordinance be adopted. After brief deliberation, the ordinance was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Smith, Hope and Mayor Beehan voting "Aye."

Ordinance No. 13-11

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," CHAPTER 1, TITLED "CITY COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY CREATING A NEW SECTION 3-104, TITLED "CONTEMPT OF COURT," TO CLARIFY JUDICIAL AUTHORITY TO PUNISH FOR CONTEMPT OF COURT IN CITY COURT AS AUTHORIZED BY TENNESSEE CODE ANNOTATED §16-1-103, §16-18-306, AND §29-9-102, AND CITY CODE §3-206.

Councilmember Hope moved, seconded by Councilmember Miller, that the ordinance be adopted. After brief deliberation, the ordinance was adopted by unanimous voice vote with Councilmembers Garcia Garland, Hensley, Miller, Smith, Hope and Mayor Beehan voting "Aye."

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections / Appointments

(NONE)

Announcements

(NONE)

Scheduling

(NONE)

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OF FUTURE BRIEFINGS

Councilmember Hensley commented that he would like to look at an interim way to approach the budget and finance issues that could potentially address policy and the school's budget.

Mayor Beehan suggested allowing the City Manager to take the lead on matters of budget and drafting a structure of a budget for council. The City Manager recommended that budget matters be a part of the discussions during the upcoming Council retreat. Councilmember Smith suggested looking at a new structure for the Audit Committee functions at the retreat as well.

Councilmembers Hensley and Hope supported the idea of joint meetings with council, city staff, and the school board in regards to the budget.

SUMMARY OF CURRENT EVENTS

City Manager's Report

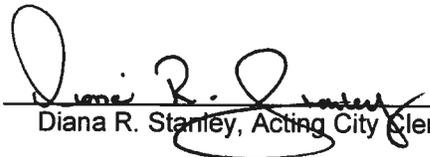
(NONE)

City Attorney's Report

(NONE)

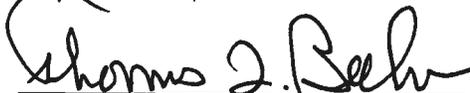
ADJOURNMENT

The meeting adjourned at 9:30 p.m.



Diana R. Stanley, Acting City Clerk

APPROVED BY CITY COUNCIL
September 12, 2011



Thomas L. Beehan, Mayor